

Message Text

LIMITED OFFICIAL USE

PAGE 01 ADDIS 05213 301522Z

43

ACTION EB-07

INFO OCT-01 AF-08 ISO-00 COME-00 TRSE-00 L-03 SS-15 SP-02

NSC-05 CIAE-00 INR-07 NSAE-00 /048 W

----- 105114

P R 301425Z APR 76

FM AMEMBASSY ADDIS ABABA

TO SECSTATE WASHDC PRIORITY 9210

INFO AMCONSUL ASMARA

LIMITED OFFICIAL USE ADDIS ABABA 5213

E.O. 11652: N/A

TAGS: PGOV PFOR ETRD ET

SUBJECT: CABINET TASK FORCE ON QUESTIONABLE PAYMENTS ABOARD:
ETHIOPIAN LAWS ON QUESTIONABLE PAYMENTS

REF: A. STATE 094617, B. 75 ADDIS 13055

1. EMBOFF DISCUSSED ETHIOPIAN LAWS REGARDING QUESTIONABLE PAYMENTS BY FIRMS WITH MAJOR TADESSE ABDI, HEAD OF THE LEGAL DEPARTMENT OF THE MINISTRY OF COMMERCE AND INDUSTRY. ON BASIS OF ETHIOPIAN PENAL CODE OF 1957 AND MAJOR TADESSE'S INTERPRETATIONS OF THOSE LAWS, RESPONSES BELOW CORRESPOND TO QUESTIONS POSED PARA 2 REF A)

A. YES. DIFFERENT LAWS COVER BOTH OFFER AND RECEIPT OF MONEY OR THINGS OF VALUE. SEE PARA 2 BELOW FOR LAW RELEVANT TO FIRM OFFERING PAYMENT.

B. NO. MAJOR TADESSE SAID FACT THAT CERTAIN ACTS ARE ILLEGAL IS SUFFICIENT BASIS FOR PROSECUTION AND LAW REQUIRING DISCLOSURE OF SUCH ILLEGAL PAYMENTS IS NOT NECESSARY.

C. NO. REF B EXPLAINED ETHIOPIA LAW NEITHER REQUIRES NOR PROHIBITS INVOLVEMENT OF AGENTS IN DEALING WITH GOVERNMENT.

D. NO. WITH NO CURRENT OR PAST POLITICAL PARTIES, POLITICAL CONTRIBUTIONS ARE NOT A PART OF THE ETHIOPIAN MILIEU. ANY SUCH PAYMENTS TO AN INDIVIDUAL OR GROUP WOULD BE TREATED AS SIMPLE BRIBERY AS IN SECTION A. ABOVE.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 ADDIS 05213 301522Z

E. NO. PER SUBPARAS B AND D ABOVE.

F. NO. ETHIOPIAN PENAL CODE DOES NOT COVER COMMERICAL TRANS-ACTIONS NOT INVOLVING GOVERNMENT OFFICIALS OR AGENCIES.

2. LAW WHICH DEALS WITH FIRMS' QUESTIONABLE PRACTICES IS ARTICLE 437 OF THE PENAL CODE ON SOLICITING OF CORRUPT PRACTICES: QUOTE. WHOSOEVER, WITH INTENT TO PROCURE A PUBLIC SERVANT TO COMMIT A BREACH OF THE DUTIES IMPOSED UPON HIM BY HIS OFFICE OR SERVICE, OFFERS, PROMISES OR HANDS OVER TO SUCH PUBLIC SERVANT OR CAUSES HIM TO KEEP, EVEN SUBSEQUENT TO THE ACT EXPECTED OF HIM, A SUM OF MONEY, A GIFT OR AN ADVANTAGE, OF ANY KIND, IS PUNISHABLE WITH SIMPLE IMPRISONMENT OR FINE. END QUOTE.

3. ANOTHER LAW WHICH COULD BE APPLIED TO LOCAL AGENTS OF FIRMS IS ARTICLE 436-TRAFFIC IN PRIVATE INFLUENCE: QUOTE, WHOSOEVER, NOT BEING A PUBLIC SERVANT AND NOT BEING LIABLE TO THE SPECIAL PROVISION (ART. 424) SEEKS, EXACTS A PROMISE OF OR RECEIVES SUMS OF MONEY, GIFTS, PRESENTS, OR OTHER ADVANTAGES IN CONSIDERATION FOR EXERCISING HIS INFLUENCE, REAL OR PRETENDED, TO PROCURE FOR ANOTHER ANY PRIVILEGE, BENEFIT OR ADVANTAGE WHICH CAN ONLY BE GRANTED BY A PUBLIC SERVANT, IS PUNISHABLE WITH SIMPLE IMPRISONMENT OR FINE. END QUOTE.

4. ARTICLES 423, 424, 425 AND 426 COVER CORRUPT PRACTICES BY PUBLIC SERVANTS BUT DO NOT DEAL WITH FIRM OR INDIVIDUAL OFFERING THE BRIBE. TEXTS OF THESE ARTICLES WILL BE POUCHED TO I/PM.

5. ACCORDING TO MAJOR TADESSE NO CHANGES IN THESE LAWS ARE EXPECTED IN THE FORESEEABLE FUTURE.
HUMMEL

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CORRUPTION, LAW, BUSINESS FIRMS
Control Number: n/a
Copy: SINGLE
Draft Date: 30 APR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: coburnhl
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976ADDIS05213
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760165-0191
From: ADDIS ABABA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t1976045/aaaaadnb.tel
Line Count: 90
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 76 STATE 94617
Review Action: RELEASED, APPROVED
Review Authority: coburnhl
Review Comment: n/a
Review Content Flags:
Review Date: 28 JUN 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <28 JUN 2004 by ShawDG>; APPROVED <06 OCT 2004 by coburnhl>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CABINET TASK FORCE ON QUESTIONABLE PAYMENTS ABOARD: ETHIOPIAN LAWS ON QUESTIONABLE PAYMENTS
TAGS: PGOV, PFOR, ETRD, ET
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006